

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH T. HAYES, M.D.	:	CIVIL ACTION
	:	
v.	:	
	:	
AMERICAN INTERNATIONAL	:	
GROUP, et al.	:	NO. 09-2874

ORDER

AND NOW, this 30th day of November, 2009, upon consideration of the Motion to Transfer or, in the Alternative, Dismiss Certain Claims (Docket No. 21), filed by defendants American International Group and The United States Life Insurance Company in the City of New York, and the joinder filed by defendant Disability Management Services, Inc., and the plaintiff's opposition and the moving defendants' reply thereto, IT IS HEREBY ORDERED, for the reasons set forth in a Memorandum of today's date, that the MOTION is DENIED IN PART and GRANTED IN PART as follows:

1. The Motion to Transfer this action to the United States District Court for the District of New Jersey is DENIED;

2. The Motion to Dismiss is GRANTED as to the plaintiff's claims for fraudulent misrepresentation and for violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Act, 73 P.S. § 201-1 et seq. These claims are DISMISSED WITHOUT PREJUDICE.

3. The Motion to Dismiss is DENIED as to the plaintiff's claims for breach of fiduciary duty and for statutory bad faith under 42 Pa. C.S. § 8371.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.